



TOWN OF ACTON
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Planning Department

INTERDEPARTMENTAL COMMUNICATION

To: Planning Board **Date:** February 20, 2008
Revisions: **March 7, 2008**

From: Kristin K. Alexander, AICP, Assistant Town Planner

Roland Bartl, AICP, Planning Director *R. Bartl*

Subject: **Barbara's Way Definitive Subdivision (Residential Compound)**

Below is basic information about the proposal and Planning Department comments. Comments were received from other Town departments/agencies. The applicant should address all comments received.

Location:	24 and 26 Agawam Road
Map and Parcel:	E-2, 183 & 196
Tract Size:	2.34 acres
Number of Lots:	4 (two existing houses)
Zoning:	Residence 2 (R-2), Groundwater Protection District (GPD) Zones 3 and 4
Applicant:	26 Agawam LLC, Townsend, MA
Owners:	26 Agawam LLC Thomas E. and Barbara L. Geagan
Public Hearing:	February 26, 2008 (7:45 p.m.)
Hearing Continued:	March 11, 2008 (7:45 p.m.)
Decision Due Date:	April 22, 2008

Application Comments

1. The following materials were not in the application and should be submitted for review:
 - a. A letter documenting authorizing vote for Thomas Geagan to act in the name of 26 Agawam LLC (see Acton Subdivision Rules and Regulations, 8/22/06 (Rules), Section 5.2.10); **received**
 - b. A letter authorizing the Town to enter on the subdivision to complete the streets and services (Rules Section 5.2.9); **still missing**
 - c. A list of mortgage holders (Rules Section 5.2.12); **still missing (statement certifying that there are no mortgages on the property is also acceptable)**
 - d. A draft restrictive covenant (Rules Section 5.2.13); **still missing (only needed if applicant proposes language different from standard Form RC)**

- e. A draft common driveway and maintenance agreement (Rules Sections 10.1.1.5-10.1.1.7). ***Still missing. The document should be titled common driveway covenant and maintenance agreement and provide a mechanism to allow the owners at 24 and 26 Agawam Road to access the common road if they wish and participate in all benefits and responsibilities of common road ownership.***

Plan Compliance Comments

2. The cul-de-sac design shown in the “Conventional Proof Plan” (Sheet 2) does not comply with the cul-de-sac street turnaround standards in Rules Section 8.1.18. The shape of street is supposed to be a “q” not a “p”. ***The “Proof Plan” is now corrected and looks acceptable.***
3. Change the information in the zoning conformance chart on Sheet 1 to reflect what is proposed in the Residential Compound Plan. ***Done. I note that house locations are shown for illustrative purposes only and that the zoning data for the lots are not binding. Buildings can move and change within the prescribed zoning envelope.***
4. Change the proposed lot areas/lot configurations on Sheets 3 and 4 so they are consistent. ***Done***
5. On Sheet 4, on Lot 4, label the shed “to be relocated”. ***Done***
6. Label the lots with street addresses to be approved by the Acton Engineering Department. ***Street numbers are shown. They should be shown on Sheet 3, the Record Plan, also. I further discussed the proposed street numbering with Engineering. The street numbers should be changed from 1 and 2 to 3 and 4 respectively. This would allow the owners of the front houses at 24 and 26 Agawam Road to access “Dakota Drive” and switch their street addresses accordingly.***
7. Add a note to the Plan or revise the Site Work Notes to state that all supplementary data submitted under the Rules are an integral part of the definitive plan and that non-compliance with the plan profiles, utilities, layouts and Restrictive Covenants will void the approval status; unless, a waiver is specifically approved by the Planning Board in writing (Rules Section 5.3.12). ***Done***
8. Sheets 2 and 4 should include a Professional Land Surveyor’s stamp and signature. ***Done***
9. If there are any wells, septic systems, and underground storage tanks within one hundred (100) feet of the perimeter of the subdivision, show them on the Plan (Rules Section 5.3.26). ***Done. Septic system on Tabner land is shown. I assume there are no other items.***
10. No sidewalks are proposed. Rules Sections 9.6.1 and 9.6.2 require sidewalks on one side of local streets in subdivisions and along that portion of any existing public street upon which the subdivision has frontage. All subdivisions should either include sidewalks or involve the applicant contributing towards the Town’s sidewalk system, and this proposal is no exception. Staff would recommend that the applicant request a waiver from Section 9.6.1 of the Rules (constructing the sidewalk along the local street) and in its place either (1) construct the 485 feet of sidewalk along one of the major roadways in an area where it would be more effective and better utilized (to be discussed with the Acton Engineering Department), or (2) contribute \$14,535.00 to the Town’s sidewalk fund. ***The applicant agreed to contribute to the Town’s sidewalk fund. Ideally, the Town would like to***

apply it wherever needed in Town. Can the Applicant agree to no geographic limitations on where the fund would be used?

11. Planning Department staff has identified a public shade tree (18" Oak tree) which may have to be removed if the proposed roadway is constructed where shown on the Plan. Could the roadway be shifted or narrowed slightly to avoid removing the tree? If not, contact the Tree Warden. If the tree is removed, Planning Department staff recommends planting a replacement tree with a type, size, and location to be determined by the Tree Warden. ***The road has been shifted by 4 feet, which may or may not save the trees. To be realistic, the construction impact (excavation and installation of road base and pavement layers) may kill the trees anyway. I would like to see more engineering detail on methods to preserve the trees (tree wells, minimal excavation, and building up of the road grade?). Also, the minimum common driveway width in the zoning bylaw is 12 feet. The Subdivision Rules for Residential Compounds use the zoning bylaw's common driveway standards as a guideline. The applicant's engineer could check to see if tighter pavement radii at the intersection and a neck-down to a 12-foot pavement width in the tree area are practical. Fire engines on local streets, including Agawam Road, can use the oncoming lane to make turns.***
12. According to the Massachusetts Estimated Habitats of Rare Wildlife and Certified Vernal Pools Map updated on 7/1/03, an estimated habitat of rare wildlife could exist on the project site. Submit documentation to the Town demonstrating (1) that no such habitat exists on the project site, or (2) how the proposal will address this issue. ***Addressed. Applicant provided updated map that shows that the aforesaid is not the case.***

Considering there is a significant design compliance issue with the cul-de-sac shown on the Proof Plan, and possibly an environmental issue, staff recommends that the public hearing be continued until March 25, 2008 at 7:45 PM to provide the applicant with time to respond to these and other comments.

The subdivision as shown is approvable. The remaining issues and questions can be handled through conditions.